



Irwin

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Benjamin David Foster et al.

Title: LISTING RECOMMENDATION IN A NETWORK-BASED COMMERCE SYSTEM

Docket No.: 2043.090US1

Serial No.: 10/689,970

Filed: October 20, 2003

Examiner: Jeffrey A. Smith

Group Art Unit: 3625

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

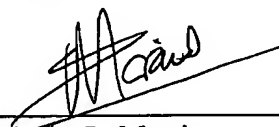
We are transmitting herewith the following attached items (as indicated with an "X"):

- ☒ Return postcard.
- ☒ Communication Concerning Related Applications (2 pgs.).
- ☒ Supplemental Information Disclosure Statement (2 pgs.), Form 1449 (2 pgs.), and copies of 3 cited documents.

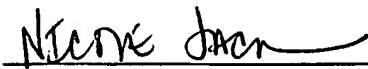
Please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

Customer Number 21186

By: 
Atty: Andre L. Marais
Reg. No. 48,095

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 30 day of September, 2005.


Name


Signature

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
(GENERAL)

S/N 10/689,970

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Benjamin David Foster et al.	Examiner:	Jeffrey A. Smith
Serial No.:	10/689,970	Group Art Unit:	3625
Filed:	October 20, 2003	Docket:	2043.090US1
Title:	LISTING RECOMMENDATION IN A NETWORK-BASED COMMERCE SYSTEM		

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In compliance with the duty imposed by 37 C.F.R. § 1.56, and in accordance with 37 C.F.R. §§ 1.97 *et. seq.*, the enclosed materials are brought to the attention of the Examiner for consideration in connection with the above-identified patent application. Applicants respectfully request that this Supplemental Information Disclosure Statement be entered and the documents listed on the attached Form 1449 be considered by the Examiner and made of record. Pursuant to the provisions of MPEP 609, Applicants request that a copy of the 1449 form, initialed as being considered by the Examiner, be returned to the Applicants with the next official communication.

Pursuant to 37 C.F.R. §1.97(b), it is believed that no fee or statement is required with the Supplemental Information Disclosure Statement. However, if an Office Action on the merits has been mailed, the Commissioner is hereby authorized to charge the required fees to Deposit Account No. 19-0743 in order to have this Supplemental Information Disclosure Statement considered.


Pursuant to 37 C.F.R. 1.98(a)(2), Applicant believes that copies of cited U.S. Patents and Published Applications are no longer required to be provided to the Office. Notification of this change was provided in the United States Patent and Trademark Office OG Notices dated October 12, 2004. Thus, Applicant has not included copies of any US Patents or Published Applications cited with this submission. Should the Office require copies to be provided, Applicant respectfully requests that notice of such requirement be directed to Applicant's below-signed representative. Applicant acknowledges the requirement to submit copies of foreign patent documents and non-patent literature in accordance with 37 C.F.R. 1.98(a)(2).

The Examiner is invited to contact the Applicants' Representative at the below-listed telephone number if there are any questions regarding this communication.


Respectfully submitted,
BENJAMIN DAVID FOSTER ET AL.

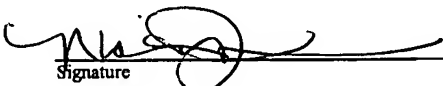
By their Representatives,
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
408-278-4042

Date 09/29/05

By 
Andre L. Marais
Reg. No. 48,095

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 30 day of September, 2005.


Name


Signature

S/N 10/689,970

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Benjamin D. Foster et al.

Examiner: Jeffrey A. Smith

Serial No.: 10/689,970

Group Art Unit: 3625

Filed: October 20, 2003

Docket: 2043.090US1

Title: LISTING RECOMMENDATION IN A NETWORK-BASED COMMERCE
SYSTEM

COMMUNICATION CONCERNING RELATED APPLICATIONS

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicants would like to bring to the Examiner's attention the following related applications in the above-identified patent application:

<u>Serial/Patent No.</u>	<u>Filing Date/Issue Date</u>	<u>Attorney Docket</u>	<u>Title</u>
10/263,224	October 1, 2002	2043.056US1	METHOD AND SYSTEM TO RECOMMEND FURTHER ITEMS TO A USER OF A NETWORK-BASED TRANSACTION FACILITY UPON UNSUCCESSFUL TRANSACTING WITH RESPECT TO AN ITEM
10200,908	July 22, 2002	2043.084US1	Seller Configurable Merchandising in an Electronic Marketplace
10/666,681	September 18, 2003	2043.093US1	PRODUCT RECOMMENDATION IN A NETWORK-BASED COMMERCE SYSTEM
10/877,806	June 24, 2004	2043.093US2	PRODUCT RECOMMENDATION IN A NETWORK-BASED COMMERCE SYSTEM

COMMUNICATION CONCERNING RELATED APPLICATIONS

Serial Number: 10/689,970

Filing Date: October 20, 2003


Title: LISTING RECOMMENDATION IN A NETWORK-BASED COMMERCE SYSTEM

Page 2
Dkt: 2043.090US1

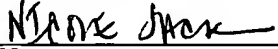
Continuations and divisionals may be later filed on the cases listed above, or cited to the Examiner in any previous Communication Concerning Related Applications. Applicants request that the Examiner review all continuations and divisionals of the above-listed or previously-cited patent applications before allowing the claims of the present patent application.

Respectfully submitted,
BENJAMIN D. FOSTER ET AL.

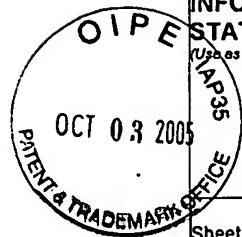
By Applicants' Representatives,
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
408-278-4042

Date 09/29/05 By 
Andre L. Marais
Reg. No. 48,095

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 30 day of September, 2005.


Name


Signature



Substitute for form 1449A/PTO
**INFORMATION DISCLOSURE
 STATEMENT BY APPLICANT**
 (Use as many sheets as necessary)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

PTO:SB/08A(10-01)
 Approved for use through 1/01/2002. OMB 651-0031
 US Patent & Trademark Office U.S. DEPARTMENT OF COMMERCE

Complete if Known

Application Number	10/689,970
Filing Date	October 20, 2003
First Named Inventor	Foster, Benjamin
Group Art Unit	3625
Examiner Name	Smith, Jeffrey

Sheet 1 of 2

Attorney Docket No: 2043.090US1

US PATENT DOCUMENTS

Examiner Initial *	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Filing Date if Appropriate
	US-2001/0021914A1	09/13/2001	Jacobi, Jennifer A., et al.	05/07/2001
	US-2001/0056395A1	12/27/2001	Khan, S. H.	05/23/2001
	US-2002/0016786A1	02/07/2002	Pitkow, James B., et al.	12/04/2000
	US-2002/0019763A1	02/14/2002	Linden, Gregory D., et al.	03/29/2001
	US-2002/0082901A1	06/27/2002	Dunning, Ted E., et al.	04/30/2001
	US-2002/0107853A1	08/08/2002	Hofmann, Thomas, et al.	07/26/2001
	US-2003/0229537A1	12/11/2003	Dunning, Ted E., et al.	03/26/2003
	US-2004/0034652A1	02/19/2004	Hofmann, Thomas, et al.	08/11/2003
	US-2004/0153463A1	08/05/2004	Sasai, Kosuke, et al.	05/29/2003
	US-2004/0236736A1	11/25/2004	Whitman, Ronald M., et al.	06/22/2004
	US-2005/0102259A1	05/12/2005	Kapur, Shyam	11/12/2003
	US-2005/0102282A1	05/12/2005	Linden, Greg	10/12/2004
	US-2005/0125240A9	06/09/2005	Speiser, L. R., et al.	09/18/2003
	US-2005/0144086A1	06/30/2005	Speiser, L. R., et al.	06/24/2004
	US-4,996,642	02/26/1991	Hey, John B.	09/25/1989
	US-5,310,997	05/10/1994	Roach, J. V., et al.	09/10/1992
	US-5,583,763	12/10/1996	Atcheson, John, et al.	09/09/1993
	US-5,749,081	05/05/1998	David E. Whiteis,	04/06/1995
	US-6,169,986	01/02/2001	Bowman, D. E., et al.	10/01/1999
	US-6,195,657	02/27/2001	Rucker, James L., et al.	09/25/1997
	US-6,266,649	07/24/2001	Linden, Gregory D., et al.	09/18/1998
	US-6,466,918	10/15/2002	Spiegel, J. R., et al.	11/18/1999
	US-6,671,681	12/30/2003	Emens, Michael L., et al.	05/31/2000
	US-6,704,727	03/09/2004	Kravets, Alexander N.	01/31/2000
	US-6,772,150	08/03/2004	Whitman, Ronald M., et al.	03/22/2000
	US-6,782,370	08/24/2004	Stack, Charles	09/04/1997
	US-6,859,807	02/22/2005	Knight, Timothy O., et al.	03/17/2003

OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		IBM, "WebSphere Commerce Professional Edition", <u>Features at Glance</u> , www-3.ibm.com/software/webserver/commerce/wc_pe/morefeatures.html , (Printed 5/21/2002), 1 page	
		MAES, PATTIE, et al., "Agents that Buy and Sell.", <u>Transforming Commerce as we Know it</u> , 1998 MIT Media Laboratory. Submitted to the Communications of the ACM, March 1999 Issue, (1998), 12 pgs	

EXAMINER

DATE CONSIDERED

Substitute Disclosure Statement Form (PTO-1449)

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional) ² Applicant is to place a check mark here if English language Translation is attached

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="padding: 2px;"><i>Complete if Known</i></td> </tr> <tr> <td style="width: 50%; padding: 2px;">Application Number</td> <td style="padding: 2px;">10/689,970</td> </tr> <tr> <td style="padding: 2px;">Filing Date</td> <td style="padding: 2px;">October 20, 2003</td> </tr> <tr> <td style="padding: 2px;">First Named Inventor</td> <td style="padding: 2px;">Foster, Benjamin</td> </tr> <tr> <td style="padding: 2px;">Group Art Unit</td> <td style="padding: 2px;">3625</td> </tr> <tr> <td style="padding: 2px;">Examiner Name</td> <td style="padding: 2px;">Smith, Jeffrey</td> </tr> </table>	<i>Complete if Known</i>		Application Number	10/689,970	Filing Date	October 20, 2003	First Named Inventor	Foster, Benjamin	Group Art Unit	3625	Examiner Name	Smith, Jeffrey
<i>Complete if Known</i>													
Application Number	10/689,970												
Filing Date	October 20, 2003												
First Named Inventor	Foster, Benjamin												
Group Art Unit	3625												
Examiner Name	Smith, Jeffrey												
Sheet 2 of 2	Attorney Docket No: 2043.090US1												

OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		PENNOCK, DAVID M., "Social Choice Theory and Recommender Systems:", <u>Analysis of the Axiomatic Foundations of Collaborative Filtering</u> , In the proceedings of the Seventeenth National Conference on Artificial Intelligence (AAA1-2000),(2000),6 pgs	

EXAMINER

DATE CONSIDERED

Substitute Disclosure Statement Form (PTO-1449)
 * EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
¹ Applicant's unique citation designation number (optional) ² Applicant is to place a check mark here if English language Translation is attached